

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12/19/24

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	19-CV-1578 (VEC)
IN RE: NAVIDEA BIOPHARMACEUTICALS	:	
LITIGATION	:	<u>ORDER</u>
-----X	:	

VALERIE CAPRONI, United States District Judge:

WHEREAS on March 25, 2024, the Court denied both parties cross-motions for summary judgment on Dr. Goldberg's breach of contract claim against Navidea and Navidea's declaratory judgment claim, *see* Dkt. 339; and

WHEREAS trial commenced on December 16, 2024, on Dr. Goldberg's breach of contract claim, and the jury returned a verdict in favor of Navidea on December 18, 2024, *see* Dkt. 408.

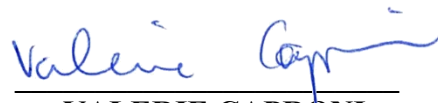
IT IS HEREBY ORDERED THAT any post-trial motions by Dr. Goldberg, including any motion addressed to his long-ago dismissed *quantum meruit* counterclaim, must be filed by no later than January 15, 2025. If Dr. Goldberg files a post-trial motion, Navidea's response will be due February 5, 2025, and Dr. Goldberg's reply will be due February 12, 2025.

Navidea must inform the Court by no later than January 15, 2025, if it is continuing to pursue its request for a declaratory judgment. If Navidea chooses to proceed with its declaratory judgment claim, Navidea's opening brief, limited to ten pages, must be filed by January 15, 2025. Dr. Goldberg's response, also limited to ten pages, must be filed by February 5, 2025, and Navidea's reply, limited to three pages, is due by February 12, 2025.

IT IS FURTHER ORDERED THAT the parties must meet and confer regarding each party's claim for attorneys' fees and costs and file a joint letter by January 31, 2025, with a proposal for resolving those outstanding claims.

SO ORDERED.

Date: December 19, 2024
New York, New York



VALERIE CAPRONI
United States District Judge